

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC.;
BEDFORD, FREEMAN & WORTH
PUBLISHING GROUP, LLC D/B/A
MACMILLAN LEARNING;
MACMILLAN HOLDINGS, LLC;
ELSEVIER INC.; ELSEVIER B.V.; and
MCGRAW HILL LLC,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 24-cv-04274-JLR-BCM

ATTORNEY DECLARATION OF
JEFF KANE

I, Jeff Kane, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at the law firm Oppenheim + Zebrok, LLP (“O+Z”), counsel for all Plaintiffs in this matter. I submit this declaration in support of Plaintiffs’ Letter Request for a Pre-Motion Discovery Conference.

2. The discovery dispute at issue in Plaintiffs’ letter relates to Defendant Google’s refusal to produce documents regarding “Related Merchants,” i.e., pirate sellers with multiple Google ads accounts, as defined more specifically in the letter. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently hereto.

3. Attached as **Exhibit A** hereto is a true and correct copy of Plaintiffs’ First Set of Requests for Production of Documents to Defendant Google LLC, sent to Latham & Watkins LLP on September 3, 2024.

4. Attached as **Exhibit B** hereto is a true and correct copy of Google LLC's Responses and Objections to Plaintiffs' First Set of Requests for Production of Documents to Defendant Google LLC, sent to Oppenheim + Zembrak, LLP on October 3, 2024.

5. Attached as **Exhibit C** hereto is a true and correct copy of email communications between counsel from Oppenheim + Zembrak, LLP and counsel from Latham & Watkins, LLP regarding Plaintiffs' Requests for Production (Ex. A). The email correspondence dates from October 3, 2024 through November 8, 2024.

6. One example of a pirate site using different domains to advertise infringing products on Google Shopping is a pirate that uses the email address support123@intellectualbook.shop. Plaintiffs are aware of at least 22 different domains associated with that email address including bookdf.shop, booknt.shop, bookkk.shop, wbbook.shop, boolcleans.shop, ffhbook.shop, bookgold.store, hotbooks.us, ebookhots.shop, hotbookus.shop, bookhotus.shop, ushotbook.shop, bookgoold.shop, usbooknew.shop, hotbooknew.shop, wimdom.shop, sbookgoold.shop, wimdom.store, gooldbook.shop, hotebook.store, wimdomus.us, and knowledges.shop.

7. Another pirate seller that used different domains to advertise infringing products on Google Shopping is a pirate that uses the email address carepro24Hz@gmail.com. Plaintiffs are aware of at least 14 different domains associated with that email address including dohabook.shop, bookshops.best, e-bookpro.store, onebookpro.store, bookcategory.shop, bookstyle.shop, bokobooks.shop, ebookworlds.shop, ebookus.shop, rrrbook.shop, bookdsd.shop, bookspecialist.shop, bookexperience.shop, and ibbook.shop.

8. Still another pirate seller that used different domains to advertise infringing products on Google Shopping is a pirate that uses the email address

ebook2316@gmail.com. Plaintiffs are aware of at least 39 different domains associated with that email address including brahim8.shop, cattut.shop, churchil.shop, dyerdy.shop, muno8.shop, rorisi.shop, terry8.shop, vanasi.shop, linset.shop, alecro.shop, decet.shop, dengeo.shop, tigono.shop, giani.shop, nasema.shop, rimes.shop, sinimi.shop, slaca.shop, wdec.shop, kinney.shop, milina.shop, abuapascolina.shop, arnettakin.shop, dsfollpc.shop, kumarshanto.shop, erikkar.shop, hasanmdforid.shop, ksuazwswu.shop, perrotkimber.shop, seifislek.shop, ww12.crystary.com, chrisy.shop, hadari.shop, makot.shop, rampi.shop, capsile.com, bishot.shop, chasit.shop, and asadul.shop.

9. I understand since 2019, Plaintiffs have brought several lawsuits directly against pirate websites who used Google ads. To comply with subpoenas and/or injunctions in those matters, Google provided Plaintiffs information on Google accounts related to the defendants. When given a pirate's email address, for example, Google provided the associated account's physical addresses, billing information, related Google entity IDs, and identified the defendant's use of other Google services (Gmail, AdSense, Google Payments, YouTube, etc.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 12, 2024, in Washington, D.C.

/s/ Jeff Kane

Jeff Kane